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By: **St. Mary's County Delegation**  
Introduced and read first time: February 13, 2004  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Deputy Sheriffs - Command-Level Appointees**

3 FOR the purpose of altering in St. Mary's County an appointed personnel position in  
4 the Sheriff's office from a Captain to a command-level position; requiring the  
5 County Commissioners to set the number, rank, and salaries of the  
6 command-level positions and approve the creation, continued existence,  
7 funding, or reestablishment of a command-level position; authorizing the  
8 Sheriff to appoint command-level personnel with the approval of the County  
9 Commissioners; requiring that when the appointment to a command-level  
10 position ends as a result of certain actions, the individual serving in that  
11 position returns to a certain rank under certain circumstances; and generally  
12 relating to command-level appointees in the Sheriff's office in St. Mary's  
13 County.

14 BY repealing and reenacting, with amendments,  
15 The Public Local Laws of St. Mary's County  
16 Section 120-2 A.(1) and B.  
17 Article 19 - Public Local Laws of Maryland  
18 (2002 Edition, as amended)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 19 - St. Mary's County**

22 120-2.

23 A. (1) Except for the Sheriff, all personnel of the Sheriff's office shall  
24 participate in the merit system of St. Mary's County and shall be hired and governed  
25 by the rules of that system. [A Captain] COMMAND-LEVEL PERSONNEL appointed by  
26 the Sheriff in accordance with Subsection B of this section shall participate in the  
27 merit system except to the extent that the rules of that system conflict with the  
28 provisions of Subsection B of this section.

1 B. (1) Subject to [the qualifications under Paragraph] PARAGRAPHS (2)(B)  
2 AND (3) of this [subsection] SUBSECTION, the Sheriff may appoint, without  
3 examination, [a Captain.] COMMAND-LEVEL PERSONNEL who shall serve in [that]  
4 THE position ASSIGNED BY THE SHERIFF AND at the pleasure of the Sheriff.

5 (2) The County Commissioners shall [set]:

6 (A) SET the [salary of the Captain] NUMBER, RANK, AND SALARIES  
7 OF COMMAND-LEVEL POSITIONS; AND

8 (B) APPROVE THE CREATION, CONTINUED EXISTENCE, FUNDING,  
9 OR REESTABLISHMENT OF A COMMAND-LEVEL POSITION.

10 (3) (A) Only a deputy sheriff who holds the permanent rank of  
11 Sergeant or Lieutenant in the St. Mary's County Sheriff's office is eligible for  
12 appointment to [Captain] A COMMAND-LEVEL POSITION.

13 (B) THE AUTHORITY OF THE SHERIFF TO APPOINT AND ASSIGN A  
14 COMMAND-LEVEL POSITION IS SUBJECT TO THE APPROVAL OF THE COUNTY  
15 COMMISSIONERS.

16 (4) While serving [as Captain] IN A COMMAND-LEVEL POSITION, an  
17 individual may participate IN THE[.]:

18 (a) [In the] Sheriff's officer retirement plan[.]; AND

19 (b) [In the competitive] COMPETITIVE promotional process for the  
20 next rank above the individual's permanent rank.

21 (5) When the appointment [of the Captain] TO A COMMAND-LEVEL  
22 POSITION ends BY AN ACTION OF THE SHERIFF, IN A FAILURE OF THE COUNTY  
23 COMMISSIONERS TO FUND THAT POSITION, OR BY THE RESCISSION OF APPROVAL  
24 FOR THAT COMMAND-LEVEL POSITION, [the Captain] THE INDIVIDUAL SERVING IN  
25 THAT POSITION shall return to the rank held before being appointed [to Captain] or,  
26 if the [Captain] INDIVIDUAL qualified for a higher rank while serving as [Captain]  
27 A COMMAND-LEVEL APPOINTEE, to the higher rank.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2004.